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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,708	06/20/2001	Konstantin Youdenko	NL000373	4218

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

SHRADER, LAWRENCE J

ART UNIT PAPER NUMBER

2124

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/885,708

Applicant(s)

YODENKO ET AL.

Examin r

Lawrence Shrader

Art Unit

2124

-- The MAILING DATE of this communication app ars on the cover sheet with the corr spond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed by the applicant on 9/13/2004.

Claims 1 – 3 have been cancelled as requested by the Applicant.

Oath/Declaration

2. The updated Oath/Declaration submitted on 10/06/2004 is acknowledged and accepted.

Claim Objections

3. The claim objections with respect to claims 10 and 12 in the last office action are withdrawn in light of the clarifications made by the Applicant in the amendment filed on 9/13/2004.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4; 10; 11; and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Racine, U.S. Patent 4,811,243 in view of Cortopassi et al., U.S. Patent 6,707,942 (hereinafter referred to as Cortopassi).

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In regard to claim 4:

drawing means for enabling a user to create a drawing.

the programming means being arranged for converting said drawing to a programming of said parameter, each point of said drawing having an x-coordinate and a y-coordinate with respect to two orthogonal coordinate axes, said x-coordinate determining a point of time in said programming, the programming means being arranged for identifying a stroke in said drawing. and programming said parameter in accordance with at least one property of said stroke, the programming means being arranged for deriving a value of said parameter a thickness and/or a color of said stroke at a certain point of time corresponding to the x-coordinate.

Racine discloses a system for controlling a parameter and programming a parameter with a drawing means enabling the user to create a drawing, and the programming means for converting the drawing to a programming of the parameter (column 1, line 57 – column 2, line 8). Racine teaches an x-y coordinate pointer means to calculate parameters (column 1, lines 57 – 62), but does not identify the x-coordinate with a thickness or color parameter. However, Cortopassi discloses a device having a graphical parameter range setting with the x-coordinate as a time duration (e.g., Figure 8 and column 9, lines 8 – 31) and having thickness/color parameters (e.g., Figure 15 and; column 12, lines 17 – 46). Therefore, it would have been obvious to one skilled in the art to combine the well known Racine pointer coordinate system with the digitizing pad system as taught by Cortopassi having a time duration coordinate and width/color parameters, because the combination incorporates the well known x-y coordinate digitization in addition to allowing the setting of ranges of parameters other than position allowing width information to be parameterized as taught by Cortopassi in the Abstract.

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In regard to claim 10 (an apparatus), it is rejected for the same corresponding reasons put forth in the rejection of claim 4 (a corresponding system).

In regard to claim 11 (a method), it is rejected for the same corresponding reasons put forth in the rejection of claim 4 (a corresponding system).

In regard to claim 12 (a computer program product), it is rejected for the same corresponding reasons put forth in the rejection of claim 4 (a corresponding system).

6. Claims 5 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Racine, U.S. Patent 4,811,243 in view of Cortopassi et al., U.S. Patent 6,707,942 as applied to claim 4, and further in view of Gingras, U.S. Patent 4,236,084.

In regard to claim 5, incorporating the rejection of claim 4:

"...said parameter being an ambient temperature, said value being a height of said ambient temperature."

In regard to claim 6, incorporating the rejection of claim 4:

"...said parameter being an audio and/or video presentation, said value being a sound level of said presentation."

In regard to claim 7, incorporating the rejection of claim 4:

"...said parameter being an audio and/or video presentation, said value being a category of said audio and/or video presentation."

In regard to claim 8, incorporating the rejection of claim 4:

"...said parameter being an ambient light, said value being an intensity of said ambient light."

In regard to claim 9, incorporating the rejection of claim 4:

"...the system being capable of controlling a plurality of parameters, the programming means being arranged for deriving an identity of said parameter from said y-coordinate and/or a thickness and/or a color of said stroke, and/or a label near said stroke."

Racine discloses a coordinate pointer system that generates a signal corresponding to the x-y coordinate of the pointer, but neither Racine nor Cortopassi discloses a parameter as ambient temperature, a sound level, a category, ambient light, or a plurality of parameters. However, Gingras discloses a plurality of sensed parameters including, temperature, or any other parameter that can be converted to an electrical signal (e.g., column 3, lines 1 – 10), thus covering all the parameters of claims 5 through 9. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the coordinate pointer system as taught by Racine modified by Cortopassi to include thickness/color parameters having a time duration coordinate, further modified with the parameter sensor feature taught in the Gingras invention, because the modification produces a parameter programming means (a control module having an x-y coordinate pointer as taught by Racine and controlled over time as modified by Cortopassi) for programming the states of the control signals as taught by Gingras at column 13, lines 38 – 48.

Response to Arguments

7. The Applicant's arguments are moot in view of the new grounds of rejection.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (571) 272-3734.

The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2124

11 January 2005

Lawrence Shrader *Kakali Chaki*

**KAKALI CHAKI
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100**